

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 ROBERT BERMAN,

4 Petitioner,

5 v.

6 STATE OF NEVADA, *et al.*,

7 Respondents.

Case No.: 2:21-cv-01359-APG-BNW

**Order Granting Motion for Leave
to File Documents under Seal**

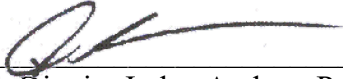
[ECF No. 33]

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9 In this habeas corpus action, Respondents filed numerous exhibits on February 24, 2022
10 (ECF Nos. 27, 28, 29, 30, 31, 32, 33). Respondents also filed a motion for leave to file certain of
11 those exhibits—Exhibits 48 and 52, both of which are presentence investigation reports—under
12 seal. Petitioner Robert Berman did not respond to that motion.

13 While there is a strong presumption in favor of public access to judicial filings and courts
14 prefer that the public retain access them, *see Nixon v. Warner Communications, Inc.*, 435 U.S.
15 589, 597 (1978), a court may seal its records if a party demonstrates “compelling reasons” to do
16 so. *See Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1178–79 (9th Cir. 2006).
17 “Compelling reasons” exist where the records could be used for improper purposes. *Kamakana*,
18 447 F.3d at 1179 (citing *Nixon*, 435 U.S. at 598). Under Nevada law, presentence investigation
19 reports are confidential, and are not to be made part of a public record. *See* NRS 176.156(5). The
20 presentence investigation reports filed by Respondents contain sensitive confidential
21 information, which could be used for improper purposes. In view of the state law, and
22 considering the nature of the information in the presentence investigation reports, I find that
23 there is good cause for the exhibits in question to be filed under seal.

1 I THEREFORE ORDER that Respondents' Motion for Leave to File Exhibits Under Seal
2 **(ECF No. 33) is GRANTED.** Respondents are granted leave of court to file Exhibits 48 and 52
3 under seal. As those exhibits have already been filed under seal (ECF Nos. 34-1, 34-2), no
4 further action is necessary in this regard.

5 Dated: March 22, 2022

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8 U.S. District Judge Andrew P. Gordon
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